

REMARKS

This Amendment is filed in response to the final Official Action of December 12, 2007. In the Official Action, Claims 1, 5, and 7 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Also, the Official Action rejected Claims 1-4 and 7-12 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,101,387 to Granberg *et al.* (“Granberg”) in view of French Patent Application Publication No. 2711033 to Remy (“Remy”). Applicant notes that the Official Action at one point indicates that Claims 1-4 and 7-12 were rejected under 35 U.S.C. § 102(e) as being anticipated (*see* p. 3, section 5 of the Official Action), but this statement appears to be made in error.

Herein, all of the rejections are respectfully traversed. Applicant respectfully requests reconsideration of all of the pending claims in view of the following remarks.

I. Rejections under Section 112

Independent Claims 1, 5, and 7 were rejected as failing to comply with the written description requirement. Claim 1 reads as follows:

1. A communications system having base stations for providing mobile stations with communications links and at least one localized service area, comprising:
 - a service server which is arranged to maintain information concerning the location of mobile stations in localized service areas and to generate requests for changing the service selection offered to mobile stations in response to receiving, from the mobile stations, mobile station generated messages describing the location of the mobile stations in relation to localized service areas; and
 - means for changing the service selection offered to a mobile station by the communications system in response to an indication of the arrival of the mobile station in said localized service area, which indication is a message generated by said mobile station separately from obligatory location updates performed when roaming in the cells of a cellular radio network.

Independent Claims 5 and 7 include recitations similar to an “indication message [indicating the arrival of a mobile station in a localized service area and] generated . . . separately from obligatory location updates performed when roaming in the cells of a cellular radio network” of Claim 1.

The Official Action contends that the above highlighted recitation is not sufficiently described in the specification so as to convey that the Applicant was in possession of the invention at the time of filing. However, Applicant respectfully disagrees.

The specification, as originally filed, states as follows (*see* p. 7, ll. 16-18 of the specification filed on September 22, 2000; emphasis added):

Block 202 refers to the comparison at the mobile station with an identifier list, or some other activity on the basis of which the mobile station detects that it has arrived in a certain localized service area.

As such, the specification indicates that referring to an “identifier list” of base station identifiers is only one of several methods available for determining presence within a localized service area. The specification discusses what “other activities” may be utilized, specifically highlighting the association of a localized service area with geographic coordinates or temporal parameters. *See* p. 6, l. 18 to p. 7, l. 5 of the specification filed on September 22, 2000.

These examples can be compared to the Global System for Mobile Communications (“GSM”) standard referenced in the original specification. The GSM standard indicates that a mobile station shall transmit an obligatory location update message upon powering up, upon arriving in a new cell belonging to a different location area, or when a predetermined time has lapsed since the last transmission of an obligatory location update.

As an indication of the distinction between standard obligatory locations updates and the “indication message” of the present application, the GSM standard does not disclose utilizing geographical coordinates or temporal parameters in association with transmitting obligatory location updates. Further, Applicant is not aware of any telephony standards or other sources that disclose utilizing geographical coordinates or temporal parameters in association with transmitting obligatory location updates. As such, Applicant respectfully submits that the specification clearly describes the concept that messages indicating the arrival of a mobile station in a localized service area may be generated separately from obligatory location updates performed when roaming in the cells of a cellular radio network, as recited in each of the independent claims.

It is also noted that the specification indicates that messages indicating the arrival at a new localized service area may have any of a variety of formats, including, for example, SMS and USSD. See p. 7, ll. 24-30 of the specification filed on September 22, 2000. By contrast, the GSM standard does not allow for any of these formats. Instead, according to the GSM standard, obligatory location updates are “piggy-backed” on Radio Resources-Set Asynchronous Balanced Mode (“RR SABM”) signaling messages. This therefore serves as further indication of the distinction between standard obligatory location updates and the “indication messages” of the present application.

Overall, Applicant respectfully submits that the specification provides ample disclosure of messages indicating the arrival of a mobile station in a localized service area may be generated separately from obligatory location updates performed when roaming in the cells of a cellular radio network, and that the rejections of Claims 1, 5, and 7 as failing to comply with the written description requirement are thus traversed.

II. Rejections under Section 103

Independent Claims 1, 5, and 7 were rejected as obvious in light of *Granberg* and *Remy*. Claim 1 of the present application reads:

1. A communications system having base stations for providing mobile stations with communications links and at least one localized service area, comprising:
 - a service server which is arranged to maintain information concerning the location of mobile stations in localized service areas and to generate requests for changing the service selection offered to mobile stations in response to receiving, from the mobile stations, mobile station generated messages describing the location of the mobile stations in relation to localized service areas; and
 - means for changing the service selection offered to a mobile station by the communications system in response to an indication of the arrival of the mobile station in said localized service area, which indication is a message generated by said mobile station separately from obligatory location updates performed when roaming in the cells of a cellular radio network.

Regarding the recitation “changing the service selection offered to a mobile station . . . in response to an indication of the arrival of the mobile station in said localized service area, which indication is a message generated by said mobile station separately from obligatory location

updates performed when roaming in the cells of a cellular radio network,” independent Claims 5 and 7 include recitations that are substantially similar.

As stated previously, *Granberg* is directed to a mobile communications system that includes a plurality of location areas for providing mobile communications services to mobile subscribers. The Official Action admits that *Granberg* fails to teach the provision of an indication message indicating the arrival of a mobile station in a localized service area, where the indication message is generated separately from obligatory location updates performed when roaming in the cells of a cellular radio network. See p. 4 of the Official Action.

Remy describes a manual way of obtaining services, in which a user of a mobile station, upon deciding that personalized (e.g., location-dependent) services are desired, can actively key in the specific number of a server in order to initiate such personalized services. As a result of this user activity, the specific server may become apprised of the location of the mobile station and thereby provide services related to that location. See, e.g., the paragraph beginning at p. 10, l. 18 of *Remy*.

Applicant respectfully submits that *Remy* does not teach the aspect admittedly absent from *Granberg*, i.e., the provision of an indication message indicating the arrival of a mobile station in a localized service area, where the indication message is generated separately from obligatory location updates performed when roaming in the cells of a cellular radio network. This recitation expressly requires that the message indicate the arrival of a mobile station in a localized service area. The messages discussed in *Remy* do not relate to the arrival in a localized service area, but instead relate to the onset of a desire in the user to receive personalized services. Subsequently, it may be determined that a mobile station is present in a localized service area, but the message will not be an indication of or related to the arrival at a localized service area.

Further, Applicant notes that, while the user-created messages in *Remy* may initiate a determination of the location of the user’s mobile station, information about the location of the mobile station does not actually come from the mobile station itself, but is instead generated by the network. For example, *Remy* indicates at p. 10, l. 22 that the BSS prepares a first signaling message and transmits it to the NSS. At p. 11, l. 13, *Remy* continues, specifying that the

signaling message includes a piece of localization information, that is, the identity of the communicating cell or BSCI.

Overall, a combination of *Granberg* and *Remy* results in a system in which (1) location information is transmitted in conjunction with obligatory location updates that may be related to arrival at a personalized location area and (2) location may be determined in the network based on a user-created call that is not related to arrival at a personalized location area. The combination does not teach or suggest the generation at a mobile terminal of an indication message, in response to an indication of the arrival of the mobile station in a localized service area, which indication is a message generated by said mobile station separately from obligatory location updates performed when roaming in the cells of a cellular radio network, as recited, in one form or another, in each of the independent claims.

For at least the above reasons, Applicant respectfully submits that independent Claims 1, 5, and 7, and the claims respectively depending therefrom, are patentable over *Granberg* and *Remy*, taken either alone or in combination.

CONCLUSION

In view of the remarks presented above, Applicant respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/Richard D. Emery/

Richard D. Emery
Registration No. 58,894

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
LEGAL02/30689720v1

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON FEBRUARY 12, 2008.